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Annual Anti-Trafficking Reports to Congress - 2002

I. Introduction.

Section 107(b)(1)(D) (“Annual Report”) of the Trafficking Victims Protection Act of 2000, Public Law 106-386, (22 U.S.C. §7105 (b)(1)(D)) stipulates:

“Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other appropriate Federal agencies shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.”

The following annual report, made in consultation with officials from the Departments of Labor and Agriculture, the Social Security Administration, and the Legal Services Corporation, fulfills this requirement for FY 2002.

II. Background.

Trafficking in persons is modern day slavery. The trafficking of women, children, and men for sexual exploitation, sweatshop labor, involuntary domestic servitude, and migrant agricultural labor violations is estimated to affect hundreds of thousands of people worldwide annually – and tens of thousands in the United States alone. The practice of trafficking in persons is not only an affront to human dignity but also flouts the laws of legitimate commerce.

To deter this burgeoning contemporary atrocity, Congress enacted the Victims of Trafficking and Violence Protection Act of 2000 in October 2000. The law aims to combat trafficking by increasing law enforcement, ensuring effective punishment of traffickers, protecting victims, and providing federal and certain state assistance to victims.

Division A of the legislation, entitled the Trafficking Victims Protection Act (TVPA) of 2000, makes adult victims of severe forms of trafficking who have been certified by the U.S. Department of Health and Human Services (HHS) eligible for certain benefits and services to the

same extent as refugees. Victims of severe forms of trafficking who are under 18 years of age are also eligible for these benefits to the same extent as refugees but do not need to be certified.

HHS was given responsibility for the certification process under section 107(b)(1)(E). To implement his responsibilities under the Act, HHS Secretary Thompson delegated the authority to conduct certification activities to the Assistant Secretary for Children and Families, who in turn re-delegated authority to the Director of the Office of Refugee Resettlement (ORR). ORR has developed certification policies and procedures to meet the needs of victims.

HHS works closely with other federal agencies to coordinate the government's implementation of the TVPA and to carry out HHS' responsibilities under the law. HHS Secretary Thompson is a member of the President's Interagency Task Force to Monitor and Combat Trafficking, which also includes the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General and the Secretary of Labor. Other HHS staff participate in interagency working groups to foster partnerships and to ensure that the Administration's goals are carried out.

III. Certification and Eligibility Letters.

In section 103(8) of the TVPA, the term "severe forms of trafficking in persons" is defined as:

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Section 107(b)(1)(E) (i) states that HHS, after consultation with the Attorney General, may certify a victim of a severe form of trafficking who:

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and

(II)(aa) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act. . . that has not been denied; or (bb) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.

In FY 2002, all victims brought to ORR's attention by federal law enforcement who met the above requirements for certification/eligibility were issued a letter that made them eligible for certain benefits and services to the same extent as refugees. In total, ORR issued 80 certification letters to adults (80.8%), and 19 eligibility letters (19.4%) to minors under the age of 18, for a total of 99 letters to trafficking victims. The 99 letters issued in FY 2002, combined with the 198 letters issued in FY 2001, brings the total number of letters issued in the first two years of the program by ORR to 297. (Although ORR increased its efforts to certify victims in 2002, more

victims were certified in 2001 because 174 of the victims were certified in a single 2001 case involving Vietnamese garment workers.)

Victims were located throughout the United States. Certification/eligibility letters were sent to benefit-issuing offices in 14 states. The largest concentrations of victims were located in Texas (31.3%), Florida (19.2%), and California (14.1%).

Trafficking victims who received ORR certification/eligibility letters were predominantly female (79.8%), highlighting the fact that women and girls tend to be the most vulnerable to these crimes. Twenty letters (20.2%) were issued to males. The circumstances these victims endured and were subjected to included various combinations of the range of crimes that are manifested in human trafficking - sexual exploitation, involuntary domestic servitude, forced migrant agricultural labor, and sweatshop labor.

The 99 victims came from a variety of countries around the globe, though the majority of victims in FY 2002 came from Honduras (36.4%) and Mexico (35.4%). Reflecting the fact that trafficking crimes transcend national borders by targeting vulnerable populations everywhere, the remainder of the victims came from an assortment of countries on 3 continents: Bangladesh, Cambodia, China, El Salvador, Ghana, Guatemala, Indonesia, Jamaica, Philippines, Sri Lanka, Thailand, and Vietnam.

IV. Benefits and Services.

Under section 107(b)(1)(A) of the TVPA, individuals determined to be victims of a severe form of trafficking, which for adults means they must be certified, are eligible for federal and certain state benefits or services to the same extent as refugees. During FY 2002, ORR implemented this statutory responsibility by issuing certification and eligibility letters to 99 individuals determined to be victims of a severe form of trafficking.

The following information on benefits and services is based on data reported by benefit-issuing agencies on 83 victims who have applied for assistance during FY 2002:

Approximately 75.9% of the total number of victims who applied for benefits and also possessed valid employment authorization documents (EADs) enrolled in the refugee Matching Grant program, a congressionally funded alternative approach to state-administered refugee resettlement assistance. The program's goal is to help refugees attain self-sufficiency within four months after arrival (or, for trafficking victims within four months after their HHS certification date) through a program that emphasizes employment, English language training, and case management. Participating agencies agree to match every two dollars in ORR funds with one dollar in cash and in-kind contributions; 20% of their match must be in cash. Some trafficking victims in the Matching Grant program may also be eligible to receive other benefits (such as food stamps, Medicaid, or Refugee Medical Assistance).

Certified and/or eligible trafficking victims who were not immediately employable or were not able to get EADs in a timely manner applied for an assortment of other public assistance benefits. Approximately 7.2% of the total number of victims who applied for assistance applied

for Refugee Cash Assistance (RCA), while 48.2% applied for Refugee Medical Assistance (RMA). RCA and RMA are eight-month time-limited ORR-funded benefits that are designed to provide temporary assistance to those refugees who are not eligible for other federal benefits such as Temporary Assistance for Needy Families (TANF), Medicaid, or Supplemental Security Income (SSI). For trafficking victims, these eight-month benefit periods begin on the HHS certification date.

Approximately 47% of the total number of victims who applied for assistance applied for food stamps. In 2002, certified/eligible trafficking victims, like refugees, were eligible to apply for food stamps during their first seven years in the country beginning from their date of certification, or until naturalization. Beginning April 2003, food stamp eligibility for these individuals will not depend on the length of their residency in the United States.

Approximately 16.9% of the total number of victims who applied for assistance were enrolled into the Unaccompanied Refugee Minors (URM) program. The URM program, administered by ORR, offers specialized resettlement and foster care services for unaccompanied refugee minors. Unaccompanied minors under the age of 18 who are determined to be victims of a severe form of trafficking are eligible to enter the URM program. Based on the needs of a particular youth, placement for minors is coordinated into foster care, group homes, or independent living arrangements appropriate to the youth's developmental needs and with attention to the cultural, linguistic, and religious background of an individual. In these settings emphasis is placed on providing a comprehensive array of services and training for the youth, including: medical care and mental health services, education, case management, independent living skills, job skills training and career/college counseling, legal assistance, and on-going family tracing, where possible.

The statistical information provided above on benefits and services accessed by trafficking victims through the HHS certification process is inherently limited. Although ORR strongly encourages feedback from state and local benefit-issuing offices on benefits and services provided to trafficking victims, there is no statutory mandate that enables it to enforce this request. In recognition of this limitation, ORR instituted a special toll-free "HHS Trafficking Victims Verification" telephone line in FY 2002 in order to encourage a better response rate. Additionally, some certified/eligible trafficking victims may voluntarily choose not to access benefits and services for which they are eligible, another factor that may affect statistics on benefits. Through education on the TVPA and increased dialogue, ORR continues to work with state and local counterparts in order to improve its ability to collect pertinent information on benefits and services accessed by victims of trafficking.

As required by section 107(b)(1)(D) of the TVPA, ORR's federal trafficking counterparts at the Department of Agriculture, Department of Labor, Social Security Administration, and Legal Services Corporation were consulted to gather information on benefit and service programs available to trafficking victims that fall under their purview. These agencies indicated that no additional information specific to benefits and services accessed by certified/eligible trafficking victims was available.

V. Discretionary Grants.

Section 107(b)(1)(B) requires federal agencies to expand benefits and services to victims of severe forms of trafficking in the case of non-entitlement programs and to the extent of available appropriations. In FY 2002, ORR, through its discretionary grant program, awarded approximately \$3.37 million to 14 organizations throughout the United States.

FY 2002 grants were awarded in two categories. Category One grantees provide direct services to assist certified (adult) and/or eligible (minor) victims of a severe form of trafficking in their transition from victimization to self-sufficiency. Category One grantees also work to raise local/community awareness about trafficking in persons through outreach and education. Category Two grantees have expertise in trafficking in persons and seek to disseminate that knowledge to organized groups, organizations, and individuals through a national program of technical assistance and training.

The selection of grantees occurred through a competitive process in which applicant organizations responded to a standing announcement in the *Federal Register* 67 Fed. Reg. 36622 (May 24, 2002). Applications were reviewed, analyzed for merit, and then ranked by a panel of officials. Funding decisions were ultimately made by the Director of ORR based on the panel's recommendations.

The budget period for trafficking projects in Categories One and Two is for one year, renewable annually for up to three years. The organizations selected are as follows:

Category One – Local/Community Outreach and/or Services for Victims of a Severe Form of Trafficking

- Boat People S.O.S. (Falls Church, VA)
- Coalition to Abolish Slavery and Trafficking (Los Angeles, CA)
- Safe Horizon, Inc. (New York, NY)
- ECPAT-USA (New York, NY)
- East Dallas Counseling Center, Inc. (Dallas, TX)
- SAGE Project (San Francisco, CA)
- Legal Aid Foundation of Los Angeles (Los Angeles, CA)
- Immigrant and Refugee Community Organization (Portland, OR)
- Florida Coalition Against Domestic Violence (Tallahassee, FL)
- Heartland Alliance (Chicago, IL)

Category Two – Technical Assistance and Training

- Legal Aid Foundation of Los Angeles (Los Angeles, CA)
- Coalition to Abolish Slavery and Trafficking (Los Angeles, CA)
- U.S. Conference of Catholic Bishops (Washington, DC)
- Johns Hopkins University – The Protection Project (Washington, DC)

Throughout FY 2002, ORR also continued to work with eight organizations that had previously been given approximately \$1.25 million in discretionary grant funds in FY 2001 to serve victims of a severe form of trafficking and/or provide local/community outreach. With their funding,

these organizations assisted victims around the country and carried out a host of training and local media activities designed to raise awareness about trafficking in persons. The FY 2001 grants, which were issued in September 2001 for a 17-month period, will end in February 2003. The eight organizations operating with FY 2001 funding are as follows:

- Boat People S.O.S. (Falls Church, VA)
- Coalition to Abolish Slavery and Trafficking (Los Angeles, CA)
- Safe Horizon, Inc. (New York, NY)
- East Dallas Counseling Center, Inc. (Dallas, TX)
- Catholic Social Services of Alaska (Anchorage, AK)
- Pacific Gateway (Honolulu, HI)
- Refugee Women's Network (Decatur, GA)
- Heartland Alliance (Chicago, IL)

VI. Outreach Activities.

The TVPA calls for HHS, in collaboration with other designated federal agencies, to establish and carry out programs to increase public awareness about trafficking in persons. To that end, ORR staff have been actively involved in national outreach efforts aimed at non-governmental organizations (NGOs), voluntary agencies, mutual assistance associations, state and local social service providers, state and local law enforcement, the general public, and other federal and state government officials.

In FY 2002, ORR staff facilitated training and gave presentations in a variety of organized forums, reaching out to approximately 1957 people during FY 2002 -- 234 percent more people than in FY 2001. Thirty-nine (39) different training and outreach sessions took place in twelve (12) states plus the District of Columbia. These sessions focused on the issue of human trafficking, background of the legislation, the roles and responsibilities of HHS under the law, the role of benefit-issuing offices within the HHS certification process, and the benefits and services available to certified/eligible trafficking victims.

VII. Conclusion.

On March 7, 2002, Dr. Nguyen Van Hanh, ORR Director, provided testimony before the U.S. Senate Committee on Foreign Relations, Subcommittee on Near Eastern and South Asian Affairs regarding HHS actions to implement the TVPA. Dr. Van Hanh testified that ORR was pleased to play such an important role in assisting victims and pledged to continue ORR's efforts to foster strong interagency cooperation. In addition, Dr. Van Hanh underscored ORR's ongoing commitment to the most vulnerable group of trafficking victims -- unaccompanied minors -- and emphasized that ORR was dedicated to developing policies and procedures designed to encourage protection and recovery in the aftermath of their traumatic experiences.

ORR remains committed to expanding outreach, education, and training opportunities to an ever-growing audience. ORR is striving to create awareness of trafficking, to empower victims to come forward and to encourage the development of additional resources and programs to serve victims throughout the country.